Notice of Allowability	Application No.	Applicant(s)	
	09/837,961	PAYNE ET AL.	
	Examiner	Art Unit	
	Gabriele E. BUGAISKY	1653	
The MAILING DATE of this communication apperall claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT Resort the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in thi or other appropriate communic GHTS. This application is subjuant and MPEP 1308.	s application. If not include ation will be mailed in due	ed course. THIS
 The allowed claim(s) is/are 1, 9, 10, 18. The drawings filed on are accepted by the Examiner Acknowledgment is made of a claim for foreign priority unapplication a) All Bome* c) None of the: Certified copies of the priority documents have 	der 35 U.S.C. § 119(a)-(d) or (f).	
2. ☐ Certified copies of the priority documents have		0	
3. ☐ Copies of the certified copies of the priority doc International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 5. ☐ Acknowledgment is made of a claim for domestic priority un reference was included in the first sentence of the specifical (a) ☐ The translation of the foreign language provisional application of the first sentence of the specification or in an Application of the first sentence of the specification or	der 35 U.S.C. § 119(e) (to a protion or in an Application Data Supplication has been received. der 35 U.S.C. §§ 120 and/or 12 Data Sheet. 37 CFR 1.78. this communication to file a rephis application. THIS THREE- tited. Note the attached EXAMIN is reason(s) why the oath or decible submitted. be submitted. on's Patent Drawing Review (Protection filed, which ha	this national stage application ovisional application) since theet. 37 CFR 1.78. 21 since a specific reference of the stage of the sta	e a specific ce was included irements noted EXTENDABLE. OTICE OF
(c) ☐ including changes required by the attached Examiner's Identifying indicia such as the application number (see 37 CFR 1.8 each sheet. Replacement sheet(s) should be labeled as such in the	34(c)) should be written on the di	rawings in the front (not the	
9. ☐ DEPOSIT OF and/or INFORMATION about the depos attached Examiner's comment regarding REQUIREMENT FOR TH	it of BIOLOGICAL MATERIA HE DEPOSIT OF BIOLOGICAL	AL must be submitted. N MATERIAL.	lote the
Attachment(s)			
1 Notice of References Cited (PTO-892) 2 Notice of Draftperson's Patent Drawing Review (PTO-948) 3 Information Disclosure Statements (PTO-1449 or PTO/SB/08) Paper No 4 Examiner's Comment Regarding Requirement for Deposit of Biological Material	6☐ Interview Summa 7⊠ Examiner's Amer	Il Patent Application (PTO- ary (PTO-413), Paper No adment/Comment ment of Reasons for Allow Gabriele E. BUGAIS Primary Examiner Art Unit: 1653	ance

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The terminal disclaimer filed on 9/8/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 5,188,960 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Upon reconsideration, it is clear that proteolytic cleavage of *B.t.* protoxins in the insect gut was known to yield toxic core fragments; thus, there appears little reason to question that the insecticidally active fragments could be obtained from the specific toxin of SEQ ID NO:8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriele E. BUGAISKY whose telephone number is (703)308-4201; after mid-January, her new number will be (571) 272-0945). The examiner can normally be reached on Tu & Th 8:15 AM- 2 PM; We. & Fr 8:15 AM-1:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher SF Low can be reached on (703) 308-2923. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0196.

Gabriele E. BUGAISKY Primary Examiner

Art Unit 1653

13 December 2003